

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRED LUDWIG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53962

**FILED**

MAR 10 2010

TRACIE R. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Ingersoll*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Appellant filed his petition on March 17, 2009, more than two years after the district court entered the judgment of conviction and sentence on May 26, 2006. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See NRS 34.726(1).

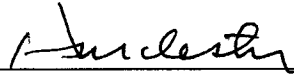
Appellant failed to demonstrate any impediment external to the defense that prevented him from filing his claims within the time

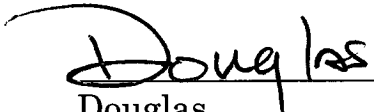
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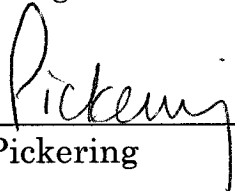
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

limits of NRS 34.726(1). Hathaway v. State, 119 Nev. 248, 252-3, 71 P.3d 503, 506 (2003). As appellant did not allege that he asked his attorney to file a direct appeal, his claim that his counsel was ineffective for failing to file a direct appeal failed to establish good cause. See id. Appellant's claim that his attorney was ineffective for failing to inform him of his right to file a direct appeal similarly failed to establish good cause. See id. Therefore, the district court did not err in dismissing appellant's petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Jackie Glass, District Judge  
Fred Ludwig  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk